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UNITED VIDEO PROPERTIES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ROVI CORPORATION, ROVI GUIDES,
INC., and UNITED VIDEO PROPERTIES,
INC.,

Plaintiffs,

v.

ROKU, INC.,

Defendant.

Case No. 5:12-CV-2185 EJD

**STIPULATION AND ~~PROPOSED~~
ORDER STAYING ACTION**

Date:
Time:
Dept.: Courtroom 4, 5th Floor
Judge: Hon. Edward J. Davila

Date Filed: May 1, 2012

Trial Date: None

STIPULATION

Plaintiffs Rovi Corporation, Rovi Guides, Inc., and United Video Properties, Inc. (collectively, “Rovi”) and Defendant Roku, Inc. (“Roku”), hereby stipulate and agree, subject to the approval of the Court, as follows:

WHEREAS, on May 1, 2012, Rovi filed a Complaint against Roku alleging infringement of U.S. Patent No. 6,898,762;

WHEREAS, on or about May 1, 2012, Rovi also filed a Complaint with the U.S. International Trade Commission (“ITC”) against Roku as a proposed Respondent alleging infringement of the same patent at issue in the present action;

WHEREAS, on May 31, 2012, the ITC instituted the investigation entitled *Certain Products Containing Interactive Program Guide and Parental Control Technology*, Inv. No. 337-TA-845 (“the Investigation”);

WHEREAS, Roku, as a named respondent in the Investigation, is entitled to a mandatory stay of this action “with respect to any claim that involves the same issues involved in the proceeding before the Commission” pursuant to 28 U.S.C. § 1659;

WHEREAS, staying the present action in its entirety would promote efficiency and preserve judicial resources;

WHEREAS, a stay will not unduly prejudice any of the parties; and

WHEREAS, the parties have agreed that Roku need not respond to the Complaint in the instant action prior to the Court’s ruling on the present stipulation.

NOW THEREFORE, the parties hereby stipulate and respectfully request, subject to the approval of the Court, as follows:

1. The deadline for Roku to respond to the Complaint in the present action is extended until after the Court rules on the present stipulation;

2. The present action shall be stayed pending final resolution of the Investigation, including any initial and final determinations of the Administrative Law Judge, the ITC, and review and appeals therefrom;

3. During the stay, any and all proceedings in the present action are stayed;

4. All pending conferences and hearings are taken off calendar;
5. All pending deadlines are vacated;
6. Following the expiration of the stay, the parties shall confer with each other and contact the Court for purposes of lifting the stay and entering a case management order; and
7. Roku waives any defects in service and also waives the defenses of insufficiency of service of process and insufficiency of process.

Defendant's undersigned counsel, Sharif E. Jacob, hereby attests that Jeremiah A. Armstrong, counsel for Plaintiffs, concurs in the filing of this Stipulation and [Proposed] Order Staying Action in accordance with General Order No. 45, Electronic Case Filing, section 10(b).

Dated: June 15, 2012

KEKER & VAN NEST LLP

By: /s/ Sharif E. Jacob
Sharif E. Jacob

Attorneys for Defendant ROKU, INC.

Dated: June 15, 2012

MCDERMOTT WILL & EMERY LLP


By: /s/ Jeremiah A. Armstrong
JEREMIAH A. ARMSTRONG

Attorneys for Plaintiffs ROVI CORPORATION; ROVI GUIDES, INC.; and UNITED VIDEO PROPERTIES, INC.

ORDER

Due to what may be a lengthy stay, the Clerk shall administratively close this action. The parties shall submit a joint status report apprising the court of any developments which may affect the stay no later than January 14, 2013, and shall submit a similar report every (4) months thereafter. This Order shall not prevent either party from seeking to reopen this case and lift the stay to set a Case Management Conference or request other relief should the circumstances warrant. Pursuant to Stipulation, it is so ordered as modified.

Dated: July 17,, 2012


HON. EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE